REMARKS

The Examiner has required an election under 35 U.S.C. § 121 of one of the following groups:

I. Claims 1-45, drawn to a high affinity neutralizing antibody, classified in class 530, subclass 287.1; and

II. Claims 46-48, drawn to a method to treat/prevent RSV, classified in class 424, subclass 211.1.

The Examiner contends that the inventions of Groups I-II are distinct from each other. Applicants hereby elect to prosecute the claims of Group II, claims 46-48, drawn a method to treat/prevent RSV, without prejudice to Applicants' right to pursue the non-elected subject matter in a related application.

Claims 1-48 were pending in this application. Applicants have canceled claims 1-48, without prejudice to Applicants' right to pursue the non-elected subject matter of the canceled claims in a related application. Applicants have added new claims 49-85, directed a method of preventing and/or treating a RSV-induced disease or a RSV infection, to more particularly point out and distinctly claim that which Applicants regard as their invention. The new claims correspond to the subject matter of elected Group II. The new claims are fully supported by the specification, see, *e.g.*, page 3, lines 3-7, page 3, lines 15-18, page 3, lines 35-30, page 4, lines 1-5, page 4, lines 25-27, page 6, lines 1-6, page 11, lines 28-31, page 15, line 24 to page 16, line 1, page 17, lines 7-22, page 19, lines 8-16, page 22, lines 24-31, page 23, lines 1-5, page 27, lines 20-23, Table 2, page 32, lines 5-15, page 33, line 30 to page 36, line 12, page 37, line 8-10, page 41, lines 4-21, and Figures 8 and 9 of the specification. In particular, new claims 53 and 54 are supported by Figures 8 and 9 which depict in graph format the results of the microneutralization assay described in Example 2. The antibody IX-493 is the reference antibody in Figures 8 and 9. The antibodies depicted in Figures 8 and 9 all have an IC_{50} less than the reference antibody and the range of IC_{50}s for the other antibodies referenced in Figures 8 and 9 is 2 μg/ml to 10 μg/ml. The IC_{50} from Figures 8 and 9 can be determined, as one of skill in the would know, by extropolating from the graph the antibody concentration that caused at least a 50% reduction in absorbency at 450 nm (the OD_{450}). Therefore, the amendments do constitute new matter. Upon entry of this Amendment, claims 49-85 will pending in the application.

Claims 49-55, 73, 74 and 85 are generic claims which generically recite immunoglobulins that specifically bind to a RSV antigen with a K_a of at least 10^{-10} M^{-1}. Dependent claims 56-73 and 76-84 recite specific species of anti-RSV antibodies for use in the claimed methods. Accordingly, Applicants respectfully assert that a single search would identify any relevant art pertaining to a method of preventing or treating a respiratory syncytial virus (RSV) infection or a RSV-induced disease in a subject comprising administering to said subject an immunoglobulin with a K_a of at least 10^{-10} M^{-1} that specifically binds to a RSV antigen, regardless of the particular amino acid sequence of the antibody, variable region or a CDR thereof. Thus, Applicants assert that to search and examine the subject matter of the antibodies, variable regions and CDR sequences together would not be a serious burden on the Examiner. The M.P.E.P. § 803 (Eighth Edition, Revision 3, August 2005) states:

> If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Thus, in view of M.P.E.P. § 803, the antibodies, variable regions and CDR sequences recited in claims 56-73 and 76-84 should be searched and examined in the subject application.

Applicants respectfully request that the remarks and amendments be entered and made of record in the present application. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

Respectfully submitted,

Date: August 28, 2006

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